IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19367 of 2004

Between:

Smt.K.Varalaxmi W/o.Sri M.Chandrasekhar Rao,
52 years, Secondary Graded Teacher, Srinivasa High School, New Bakaram, Hyderabad R/o.H.No.1-3-183/39/4/2, Kavadiguda, Secunderabad.

..... PETITIONER

AND

1. The District Educational Officer Nampalli, Hyderabad.
2. The Regional Joint Director of School Education Barkatpura, Hyderabad.
3. The Correspondent, Srinivasa High School, New Bakaram, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more in the nature of writ of mandamus declaring the action of the respondents in general and the action of the respondent No.1 in particular in not ratifying the post of School Assistant (Biological Sciences), to which post the petitioner was promoted as illegal, arbitrary unjust and violative of Art.226 of the Constitution of India besides being violative of Principles of natural justice while issuing a direction to the respondents particularly to the respondent No.1 to ratify the post of School Assistant (Biological Sciences) with effect from the date the petitioner was promoted to the said post namely with effect from September 1994 with all attendant and consequential benefits in the interest of justice.

Counsel for the Petitioner: MR.MALIPEDDI SRINIVAS REDDY

Counsel for the Respondents: GP FOR EDUCATION

The Court made the following :

ORDER:

The Petitioner is working as a Secondary Grade Teacher. She was appointed in the third respondent school in the year 1979 in an un-aided post and she was admitted to grant-in-aid post by virtue of G.O.Ms.No.250, dated 13-04-1982 with effect from 01.06.1981. While she was continuing in the said post she was promoted to the post of School Assistant (Biological Sciences) by the third respondent and the third respondent also submitted proposals to the first respondent for ratification of the promotion order given to the petitioner. But the first respondent raised several objections and ultimately the third respondent resubmitted the proposal on 29.01.2001 answering the objections raised by the first respondent. The petitioner subsequently submitted a detailed representation on 03.02.2003 to the Deputy Educational Officer and another representation on 03.07.2004 to the second respondent by marking a copy to the first respondent. The grievance of the petitioner is that so far the first respondent did not pass any order till date on the proposal made by the third respondent. The petitioner therefore approached this Court seeking a direction to the first respondent to pass appropriate orders on the proposal made by the third respondent regarding his promotion as a School Assistant (Biological Sciences) at an early date.

In the light of the circumstances explained by the petitioner, the first respondent is directed to examine the proposal made by the third respondent in September, 1994 and resubmitted on 29.01.2001 regarding the promotion of the petitioner as a School Assistant (Biological Sciences) and pass appropriate orders according to the rules in force within two months from the date of receipt of this order.

Accordingly, the Writ petition is disposed of.

26-10-2004.

Note: Furnish Copy within two days.

B/o

MRKR

To

1.The District Educational Officer, Nampalli, Hyderabad

2.The Regional Joint Director of School Education, Barkatpura, Hyderabad.

3.Two C.Cs to the Government Pleader for Education, High Court Buildings, Hyderabad.

4.Two C.D copies.

5.The Correspondent, Srinivasa High School, New Bakaram, Hyderabad.